

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DONALD FLANARY, JR. and GENA L.	§	
FLANARY	§	
	§	
v.	§	CASE NO. 4:15-CV-208
	§	Judge Mazzant/Judge Craven
MORTGAGE ELECTRONIC	§	
REGISTRATION SYSTEMS, INC.; ET. AL.	§	

MEMORANDUM ORDER ADOPTING REPORT AND RECOMMENDATION

The above-referenced case was referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report and Recommendation of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration.

On June 6, 2016, the Magistrate Judge recommended Plaintiff's Motion for Summary Judgment be denied, finding summary judgment not appropriate for the reasons urged by Plaintiff (Dkt. #36). Specifically, the Magistrate Judge found genuine issues of material fact exist regarding whether the July 23, 2010 acceleration was abandoned, and whether the statute of limitations for Defendants' March 2015 foreclosure was tolled or had already expired by August 2015.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed,¹ the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts the Magistrate Judge's report as the findings and

¹ On June 21, 2016, the Court granted, as modified, the parties' Agreed Motion for Continuance of Trial Setting and Other Deadlines (Dkt. # 37). Among other things, the Court granted the parties' request for an extension, in which to file their objections to the June 6 Report and Recommendation. It was ordered that any objections to the report shall be filed on or before July 5, 2016.

conclusions of the Court.

It is therefore **ORDERED** that Plaintiff's Motion for Summary Judgment (Dkt. #19) is hereby **DENIED**.

SIGNED this 7th day of July, 2016.

A handwritten signature in black ink, reading "Amos Mazzant", written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE